

Presbyterian. A Key 8

LETTER

TO ALL

The Friends of Religion, their King,
and Country, in *Scotland*.

Wherein is shewn,
The unlawfulness of *PATRONAGE* in *Scotland*;
the opposition it has met with in former
times; the mischief that has attended it;
and a method whereby it may be removed
for ever.

Extracted from eminent Authors.

COURAGE, of soft deportment, aspect calm,
Unboastful, suffering long, and, till provok'd,
As mild and harmless as the sporting child;
But, on just reason, once his fury rous'd,
No lion springs more eager to his prey:
Blood is a pastime; and his heart, elate,
Knows no depressing fear. Witness, the toil,
The blood of ages, bootless to secure,
Beneath an empires yoke, a stubborn isle,
Disputed hard, and never quite subdu'd. [scorn'd
The North remain'd untouch'd, where those who
To stoop retir'd; and to their keen effort
Yielding at last, recoil'd the *Roman* power.

THOMSON.

G L A S G O W:

Printed by JOHN BRYCE, and Sold at his Shop,
Salt-market.

M, DCC, LXXXI.

(25)

LETTER

TO THE
The Board of Religion and Education
Harrisburg, Pa.

Dear Sirs:
I have the honor to acknowledge the receipt of your letter of the 10th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.



I am, Sir, very respectfully,
Your obedient servant,
[Signature]
[Name]
[Title]
[Address]
[City, State]

TO ALL

HERITORS, ELDERS, and Individuals in *Scotland*, who have a sense of the pernicious nature of PATRONAGE, and would wish to have that yoke taken off their necks.

GENTLEMEN,

IT would be affronting your understanding, to tell you, that *Patronage* is, and always has been reckoned a grievance in the church of *Scotland*. He must be blind indeed, who does not see this in our day; when our last General Assembly went lengths in settling ministers, quite unprecedented in this country, in ordering young men to be placed in vacant parishes, by presentations alone; without the shadow of a *Call* from the heritors, elders and heads of families; which, in common sense, can only constitute the relation between a pastor and people.

Their conduct appeared in such a striking point of light to me, that I was led to look into the law of Patronage; and was astonished to find, That instead of having *Law* on its side, it is a mere usurpation: and rather than be countenanced by church-courts, one should think, it would meet with their contempt.

As Patronage has been of long standing in *Scotland*, people are apt to think it is established by law,

and that we are under a necessity of submitting to it, however mischievous in its effects. I thought it would be doing the public an acceptable service, to shew from the writings of eminent authors on this subject, That it is owing to ourselves, in not asserting our liberty from this yoke, and not to the laws of the land, that it has not been long ago swept away.

A late eminent author on Patronage, observes, that

‘ The word of God, by Protestants, is esteemed the perfect, the only rule for every thing that belongs to salvation. This is the basis of all their profession of Christianity, in that hope. Churches and ministers, therefore, which, according to it, are expressly declared to be instituted to promote that end, ought to be formed according to the models therein prescribed. None will pretend, that the most remote hint of Patronage is there to be found; nor can it be said, that all the purposes for which ministers were intended, were not attained by other methods of settlement, long before Patronage had a name among Christians.’

“ If,” says Dr. Mosheim, “ it is true, that the apostles acted by divine inspiration, and in conformity with the commands of their blessed master, (what Christian will call this in question?) then it follows, that that form of government, which the primitive churches borrowed from that of Jerusalem, the first Christian assembly established by the apostles themselves, must be esteemed of divine institution.” And with regard to the people, p. 45,* “ They were undoubtedly the first in authority; for the apostles shewed by their own example, that nothing of moment was to be carried on without the consent of the assembly.” citing Acts i. 15. & vi. 3.—respecting the election of church-officers; and Acts xv. 4. & xxi. 22. for other concerns.’

‘ In

' In what light our reformers viewed patronage,
 may be seen in the second book of discipline, chap.
 12. § 10. in these words. " And because this or-
 " der, (*i. e.* the liberty of the election of pastors,—
 " swa that nane be intrusit upon ony congregation,—
 " without lawful election, and the assent of the peo-
 " ple owir quham the person is placit ; as the prac-
 " tice of the apostolical and primitive kirk, and guide
 " order craves, § 9.) quilk God's word craves, can-
 " not stand with patronages, and presentation to be-
 " nefices, usit in the Paip's kirk ; we desire all
 " them that trewlie feir God earnestly to consider,
 " for swa meikle as the names of patronages and be-
 " nefices, togither with the effect thair of, have
 " flowit fra the Paip, and corruption of the canon
 " law only, in so far as thereby ony person was intru-
 " sit or placit owir kirks, having *curam animarum*.
 " [*The care of souls.*] And for swa meikle as that
 " manner of proceeding has na ground in the word
 " of God, but is contrair to the same, and to the
 " said libertie of election, they aucht not now to have
 " place in this licht of reformation, And therefore,
 " quhamsoever will embrace God's word, and desyre
 " the kingdom of his Son Christ Jesus to be advancit,
 " they will also embrace and receive that policie and
 " order quhilk the word of God, and upright estait
 " of his kirk craves, otherwise it is in vain that they
 " have profest the same."

' It is no arduous task to trace this usurped power
 from its source to its dreadful state of perfection, and
 to mark the direful consequences that attended its
 progress all along. It undoubtedly took its rise from
 the ambition of church-men. The lust of power and
 pre-eminence in the churches, had begun to shew it-
 self before the canon of the scripture was closed, as
 we learn from the apostle John. But it was towards
 the middle of the second century, that it broke forth
 openly in the distinction, unknown before, between
 a bishop

a bishop and other presbyters *. In the third-century, the government of churches verged to a monarchical form †. The bishops aspired to higher degrees of power and authority; and not only violated the rights of the people, but also made gradual encroachments upon the privileges of the presbyters. In the fourth century ‡, greater innovations were made, still to the disadvantage of the presbyters and people, and to the increase of the episcopal power, particularly in the settlement of presbyters in the churches dependent on the mother ones, which being jealous of every new erection, the bishops kept all in their own power §. Things went on in this fatal course, with unremitting ambition in the superior clergy, till at last the Pope spoiled them too, by assuming the power of universal Patron. By this ill-fated power of Patronage, beyond any other measure, were Christians and their privileges trod upon, whether in the hands of the clergy or laic patrons; until at last (but not before) in the twelfth century, under Alexander III. it was decreed, in the third council of Lateran, "That in order to put an end to the confusion and "dissensions, [the never-failing pretext of robbing "mankind of their rights by the oppressors and tyrants of the world,] which so often accompanied "the election of the Roman pontiff, the right of election should be vested in the cardinals alone." The form is still in force. By it not only the people, but the Roman clergy, the ancient electors, were excluded from all share in this matter.'

'It was in vain for the people to struggle against this growing and enormous power in the hands of church-men, for their original privilege of election. —The princes and emperors, therefore, contended against the ecclesiastical usurpation of the clergy, expressly founding their titles on the rights of the people against them. Oppression, violence, and laying the

* Mosheim, Vol. I. p. 87. † Id. p. 135. ‡ Id. p. 182. § Dr. Sherlock's defence of pluralities &c.

the world waste, was the miserable consequence of the struggle. Mankind were never laid so low in darkness, wickedness, and ruin, as in these ages of dire contention for the disposal of church-benefices, by single persons.'

'The interests of the church of Christ and of religion suffered at all hands. If the ambition and usurpation of spiritual tyrants, in violently taking the rights of nomination from the laity, are complained of; what great advantage hath it been to them in general, even where the reformation, as with us, hath taken place, when "princes succeeded to the rights of patronage formerly in the possession of these spiritual tyrants?" From the beginning of the contest, the princes acknowledged they undertook it in the right of the people, from whom the clergy had usurped it.'

'But what benefit hath accrued to them by the success of the former over the latter? For, even admitting in this argument, all that may be said as to the right of patronage, where princes or great men had personally endowed, that their successors ought still to be entitled to present to such benefices; what is this to all they have taken, and now keep possession of, which belonged to the church? Why not restore to the people, in whose right the princes asserted they claimed against the clergy, and by whose oblations many churches had been endowed? In the controversy concerning the regale and pontificate, a considerable writer on the side of the last, puts a question, upon this subject, to which no satisfying answer can be given: "Supposing," says he, "building and endowing gave a title to present, where is the foundation of a claim upon this foot, for the multitude of churches in being, before ever an earthly prince gave countenance to Christianity †?" and we add, for the greater multitude erected after they did give their countenance? When they and their subjects

† Case of the regale and pontificate.

Subjects of all ranks doted without measure, in the fifth and most of the sixth centuries, before our sort of patronage had any place, it did not so much as enter into the idea of the endowers to possess themselves of, far less to entail to their posterity, any such power, on account of their liberality to churches. But, say our adversaries, this power was usurped from the people by the clergy, and being justly taken from them as usurpers, "princes have succeeded;" but how? not by reason or equity. These would have restored to the people what the spiritual tyrants had, by art and violence, taken from them. If the princes have retained it to themselves, upon what principle? Only in the plenitude of the spirit of feudal tyranny, according to its all-comprehending maxim, which swallowed up every private allodial right: *Nulle terre sans seigneur.* [No land without a Lord.] The clergy had understood this perfectly, when they established it, That every bishop or ordinary is patron-general of his diocese; and afterwards the pope, naturally as head of all, said, in the true spirit of usurpation, he was universal patron of all churches in the world: and the princes of the North shaking these out of their power, forgot not their maxims, of possessing (in their turn) what the former had usurped from the people. So that the amount of the whole, and what (in this interesting point) we gain by the reformation, is, That, with regard to a vast multitude of our churches, formerly in the hands of spiritual, we have an exchange made for temporal tyrants. How small a consolation to the oppressed!

'The idea of a true Protestant, as has been said, is one who rejects all rule of judging concerning religion and its concerns, but the scriptures. Upon this foot did the reformation plainly proceed. But if this principle had in the least degree been attended to, with regard to the settlement of ministers in Christian churches, by the reforming powers, this ever mischief-working mode of settling had infallibly been swept

swept utterly away, with the many Romish abominations which it had been so successful an engine to establish; and the election of pastors had been put in some way of conformity to what is pointed out in scripture, and favoured by these primitive ages, to which the reformers always appealed, as throwing light upon what the scripture truly taught with regard to the government and policy of the church. The authors of our second book of discipline understood so, when upon this very subject *: After rejecting patronage as antichristian, they add, “ And “ therefore whosoever will embrace God’s word, and “ desire the kingdom of his Son to be advanced, they “ will also embrace and receive that policy and order, “ quhilk the word of God, and the upright estate of “ the kirk craves, otherwise it is in vain that they “ have professed the same.” These, however, and many such expostulations, were in vain. There is a fascination in power, that disposes men to hold it fast, however acquired, or however pernicious its effects.’

‘ The surprize that Protestants should be so tenacious of what is so apparently void of all foundation in scripture, will not be lessened by considering, that, under Popery *, “ a right of patronage, according to that superstition, was a matter of great “ value. For in every mass the patron was remembered in a special collect, so that it saved a great “ charge in a daily mass said for him; they were flattered with many distinguishing privileges while in “ life, had particular honours at their burial, and “ had masses said for them after death, &c.” These were reasons why Catholics might doat upon the distinction patronage gave, and make them tenacious of it; but they are lost to Protestants, who know these were all delusive arts, and, however flattering under superstition, perfectly vain with regard to all they

B

promis-

* Burnet’s additional ch. to pastoral care.

promised. And as if it were not enough for Protestants to retain this unnatural yoke, in fact it is found, that its fetters are in not a few particulars, bound faster upon us, than was known under Popery itself.

‘ For example : As if it had not been enough that, as under Popery, the proprietors of estates should continue in the exercise of this right, appendent to those lands in which it was vested, and not to be alienated but with it, whereby, saith Bishop Burnet,* “ there was less danger of an ill nomination ; as it “ may be supposed that he who was most concerned “ in a parish, would be to a good degree concerned “ to have it well served ; it is carried farther with “ us : for a new practice hath arisen amongst us, and “ for ought I have been able to learn, it is only among “ us, and in no other nation or church whatever ; “ and that is, the separating the advowson from the “ estate to which it is annexed, and the selling it, “ (which councils and canonists declare to be grossly “ simoniacal †,) or a turn of it as an estate by itself.” To this he subjoins many just observations on the great evils consequent upon such traffic ; concluding, “ the ill effects of this are but too visible.”

‘ Again, as if it had not been enough, with the church of Rome, to have permitted so high a power to be in the hands of her most dutiful sons, over congregations of their brethren ; Protestants allow its exercise in any man’s hands whatsoever.—Jealous of the use that might be made of such domination, they laid many restrictions upon patrons. With them, *e. g.* a presentation was void, *si patronus sit hereticus*, (*If the patron is a heretic.*) One must be well affected to their church and religion, else he cannot present even one of their own clerks †. But with us there is no such caution. The government, it is true, careful of its interest, on political accounts, restrains the

* Burnet’s ch. 10 pastoral care, and Bochmer, p. 499.

† Bochmer.

‡ Id,

the unqualified and the Catholics from presenting. But with regard to concerns purely religious, which surely do, or ought in this matter to hold the first place as objects, the church and religion are left exposed to every disadvantage, that can arise from their greatest enemies, in the exercise of this dangerous power. An infidel the most avowed, men of any, or of no principles or communion, the most bitter and determined foe to our whole church-establishment finds his title perfectly entire in presenting any the most unfit or exceptionable of the whole number of our ministers or preachers, and that perhaps to some of the most important charges in the kingdom : nor is his doing so more subject to challenge in the most disagreeable cases, than it would be were the presentation given by the most interested and unexceptionable son of our church, &c.'

'But what is more surprizing than all, as if what both Rome and our civil governors had done to wreath this yoke about our necks, had been too little, we ourselves have of late been disposed to carry the oppression farther than either of these had meditated against us. Such pretences as ambition and the love of power could suggest, they had for their encroachments. But nothing can be said for our conduct, in sweeping away with our own hands every reserve left us against this bondage, but that we love to have it completely.'

'Under patronage in its most unlimited sway, either in the Romish countries or in England, a simulate presentation, *i. e.* given by one to whom the real patron being unqualified, has disposed his right for that end, hath ever been declared void. And "tho' right of presentation is absolute and indisputable, yet a grant cannot be made by a common person, (*i. e.* a subject) while the church is void, so as to be entitled thereby to such void turn †." Yet, in a

B 2

late

† Burn's ecclesiastical law, vol. 1. tit. Advowson.

late decision of the assembly with respect to the settlement of St. Ninians, both were found good.’

‘ The pope decreed the time allowed to laic patrons should be four months to present in ; that time with us was extended to six, as was formerly permitted to ecclesiastic patrons. Our late acts of parliament determine with precision, that this is the time allowed to patrons to present in, without the remotest hint of an hour to be indulged, before the *jus devolutum* (*A right which devolves on another*) takes place. Yet because the old act 1567, says, “ or after it may come “ to his knowledge of the decease of him who bruik-
“ ed the benefice before ;” in the case of *Rattray*, it was found by the assembly, that the presentation, though coming sometime after the six months were elapsed, was to be admitted on account of the old clause ; as if the precision was evidently calculated to cut off an ambiguity, which manifestly might be the occasion of many disputes concerning the validity of a presentation, by the uncertainty of the time, “ when “ a patron may come to the knowledge,” &c. This decision would not have been given at Rome, no not in England. Thus Burns †, “ A vacancy happens “ several ways.—But avoidance by the death of the “ incumbent, the patron is obliged to take notice of “ at his peril, without any intimation.” The vacancy of *Rattray* was by death.’

‘ We see then were the voice of reason or religion to be hearkened to, how little patronage can be justified in its most favourable point of view, even when there is erection and endowment, when of the title there is a transmission to heirs, or others to whom it may be disposed,—Of what mischief and violence hath it been the parent ;—how has it been stretched to more unreasonable dominion by Protestants than ever Papists did, and its oppression carried further by our own leaders, without any necessity from law it-
self,

† Ecclesiastical law, vol. x. tit. Avoidance.

self, nay in opposition to all the humanity of the maxims of law, in interpreting statutes bearing hard on natural liberty.'

' But if this species of despotism was unreasonable when even in the hands of those who built, endowed, and supported the incumbents, how greatly more is it so, when, as with us, (however that alteration came about) the support is not from the patron, but from the tithes ; when he, more than any, is exempted from the *jus onerosum* ? (*A burdensome right.*) The original plausible pleas for patronage are now no more ; nay, in precise conformity to all the force they ever had, settlements should proceed in a way agreeable to those who now are subjected to that upon which the patrons at first built their claims, *viz.* building, repairing, and supporting churches and ministers. And is this the object on account of establishing of which so much zeal is displayed ? A constitution can hardly be figured, for which, in abstract argument, less can be said : Nothing, indeed, but what will establish any kind of tyranny and bondage on earth. And with respect to its exercise ; fortunately, perhaps at particular times, and in peculiar circumstances, it may be mild and well-directed ; so the negroes in the West Indies may happily be disposed of to a gentle master. But in both instances, the contrary may, and too generally does happen ; and must, in a constitution so repugnant to all ideas of civil and religious liberty, be expected. We see it so even in our own Protestant land of liberty every day. The state is very undesirable. It is, and ever will be productive of the worst effects.'

' At the reformation, the courtiers, though unwilling to part with the patronages, agreed, however, that the power of patrons, should be restrained. Thus, by the 7th act of the first parliament of King James VI. held *anno* 1567, it was enacted, *That the examination and admission of ministers be only in the power of the kirk, and that the patron present a qualified person*

person within six months (after the decease of the former incumbent comes to his knowledge) to the superintendant or others, having the commission of the kirk; otherwise the kirk to have power to dispose of the same to a qualified person. And by the 69th act of the VI. Parliament of James VI. it is declared, *That there be no other jurisdiction ecclesiastic acknowledged within this realm, than that which is, and shall be within the same kirk, or that flows therefrom.*

‘ A further remedy was provided by the 116th act of 12th parliament, which met June 5th 1592, by which the collation and deprivation of ministers was lodged in the church, *as a privilege granted by God to her spiritual office-bearers*, wherein her general assemblies were also ratified and approved, with all her privileges, liberties, immunities and freedoms given and granted by his Highness, his regents in his name, or any of his predecessors, to the true and holy kirk, presently established within this realm; and among other privileges, all presentations to benefices were to be directed to the presbyteries, with a full power of collation.’

‘ Notwithstanding all these provisions against the abuses of patronages, the general assembly of 1596. finding that by those presentations many persons were forcibly thrust into the ministry, and upon congregations, whose conduct shewed they were never called of God, the assembly provided, *That none should seek presentations to benefices, without advice to the presbytery in whose bounds they lay, on pain of being repelled as rei ambitus, (Getting a place by bribery.)* And they desired that such as were guilty of dilapidating benefices, or of demitting them for favour or money, so as they become lay-patronages, might be punished as dilapidators?’

‘ Thus these lay-patronages continued a subject of controversy betwixt lay-patrons and the church, and occasioned many abuses, and much clamour, by the courtiers against her; but they could not fully accomplish

complish their design till after the union of the crowns, when the court being at a distance from Scotland, and open to the constant solicitation of men of other principles, the state of bishops was established in Scotland, by the 2d act of King James VI.'s 18th parliament, which met July 9. 1606; after which the power of presentation was lodged in the archbishops and bishops; but the patrons, by their interest in parliament, had the luck to keep their patronages on foot under several restrictions; which did not remove the evil that from the beginning was complained of, simony, which is a direct bargain betwixt the patron and the minister to be presented, for obtaining a spiritual charge in the church, was too plainly tolerated, to the great scandal of religion, and manifest decay of piety and learning: for the patrons, by these simoniacal contracts, converted the tithes to their own private use; and no minister was presented, till he had given a lease to his patron of the tithes of the parish, in consideration of a poor aliment to himself and family. An abuse which ought certainly to effect all those who are truly religious, either in the Church of England or Scotland.'

' This occasioned so many abuses in presenting of ministers, and filled the church so full of unqualified persons, that it was one of the principal causes of complaint which brought on the civil war, and occasioned the abolition of Prelacy in Scotland; as may be seen by the acts of assembly and papers of state, from 1638. to 1641.'

' Presbytery being restored in a parliament where the King was present, the affair of patronage was accommodated betwixt the King and the church, thus. Upon a petition from the assembly, for the better providing of vacant churches in his majesty's presentation with qualified ministers, his majesty agreed, that upon the sending him a list of six persons by the presbytery, where the vacancy lay, he would present one of them; as appears by his declaration signed
with

with his own hand at Whitehall, Jan. 3. 1642, and registered in the books of the assembly the 3d of August following. And by an act of the assembly of the same date, it appears, that the patronages formerly belonging to the bishops, were vested in the presbyteries sending a list of qualified persons to the other lay-patrons, as to his majesty, was also agreed upon.'

' But in the assembly of 1643, they petitioned his Majesty, That considering the difficulty of obtaining a list of six able and well-qualified persons for every vacant church in his majesty's presentations, he would accept a list of three, and of any one qualified person, who spoke Irish, for a vacant church in the Highlands.'

' Matters continued thus till 1649, that all these restrictions not being found sufficient against the abuses of lay-patrons, they were totally abolished by act of parliament.'

' Episcopacy and patronages were restored by acts of parliament in King Charles II.'s reign, from 1662. and downwards. But when the meeting of the estates of Scotland was called expressly in 1689. for securing the Protestant religion, and the ancient laws and liberties of the kingdom, to the legality of which meeting the bishops did also subscribe, as appears by the 2d act of that meeting; and by the 13th act, the estates did claim among other things, as appears by their declaration of right, "That Prelacy, " and the superiority of any office in the church as " bove presbyters, is, and has been, a great and " insupportable grievance and trouble to this nation, " and contrary to the inclination of the generality of " the people ever since the reformation, (they having reformed from Popery, by presbyters,) and " therefore ought to be abolished."

' This meeting of estates did by the 20th act address King William, " That the said meeting should " be turned into a parliament for securing the prote-

" stant religion, the government, laws, and liberties

" of

“ of the kingdom, and redressing the grievances by
 “ them represented.” To which his majesty did in-
 terpose his royal authority, by agreeing to their ad-
 dress, as appears by their 38th act.’

‘ Pursuant to the above-mentioned article of the
 claim of right, and the design of turning the meeting
 of the estates into a parliament, Prelacy was abolish-
 ed by the 3d act, sess. 1. of king William and queen
 Mary, July 22, 1689. And still pursuant to the
 same article, the parliament did, by act 2d, sess. 2d,
 April 25th, 1690. restore the Presbyterian ministers
 who were thrust from their churches since January
 1st, 1661. And in the 5th act of the same session,
 after reciting the above-mentioned act for abolishing
 Prelacy, they proceed to settle Presbyterian church-
 government upon the foot of the act of 1592, and do
 ratify and revive the said act *in the whole heads thereof*,
 except that part of it relating to *patronage*, which
 they declare, *is hereafter to be taken into consideration*.
 And pursuant to this reservation, by the 23d act of
 the same parliament, July 19, 1690. they take away
the patron’s power of presentation. All which acts
 were frequently ratified, not only by king William,
 but by her present majesty †, since her happy accessi-
 on to the crown.’

‘ The act which most immediately relates to the
 patronages in debate, is the 6th act of her Majesty’s
 parliament for securing the Protestant religion and
 Presbyterian church government, passed Jan. 16th,
 1707, wherein her Majesty, with the advice and
 consent of the estates of parliament, *ratifies, approves,*
 and FOR EVER CONFIRMS the 5th act of the
 first parliament of king William and queen Mary, en-
 titled, *An act ratifying the confession of faith, and set-
 tling the Presbyterian church government*, WITH THE
 HAILL OTHER ACTS OF PARLIAMENT
 RELATING THERETO, IN PROSECUTION
 C OF

† Queen Ann, published in 1712.

OF THE DECLARATION OF THE ESTATES OF THIS KINGDOM, CONTAINING THE CLAIM OF RIGHT. So that this 23d act of parliament *concerning patronages*, now sought to be RESCINDED, being made pursuant to the above-mentioned article of the claim of right, to the very end of turning the said meeting of the estates into a parliament, and for completing the settlement mentioned in the said 5th act for settling Presbyterian church-government in the terms of it, is very plainly confirmed by the said 6th act of her majesty's parliament, 1707, which is made and expressly declared to be, a fundamental and essential condition of the treaty of union.'

'What good reason can there be given for breaking in upon the settlement of the church of Scotland, and alarming its members in so material a point as depriving them of the power to call their own ministers; and that too whilst the most remote apprehensions of danger to the church of England occasion such extraordinary uneasiness to her members, and give rise to new fences and securities for her, beyond what is provided in the treaty of union? Is it suitable to the fair execution of that treaty, that whilst the securities of the one are increased, things are interpreted in the strictest manner to the prejudice of the other, her securities endeavoured to be diminished, and even her rights and possessions taken from her? Are not both churches established upon a foot of equal security by the union? And is there any manner of comparison betwixt the hazard of the one and the other? Certainly some men's proceedings give us reason to suspect, that they will leave no article of the union unattempted, when they are for breaking in thus upon the rights and privileges of the church of Scotland, which are made a fundamental and essential condition of the union, and are secured by the treaty from any alteration thereof, or derogation therefrom, in any sort for ever. How well such projects

jects agree with loyalty to her Majesty, and zeal for the Hanover succession, that has no other establishment in Scotland, but from the union treaty, let the world judge.'

'To apprehend well,' says Dr. Hutchison *, 'the present state of patronages, we must resume this matter from the reformation. At that remarkable period, the whole *temporalities* of the church were resumed by the crown and parliament, and soon after a new maintenance was settled for ministers, in about 960 parish-churches. Yet in that irregular hasty settlement the *patronages* were not abolished by law: the patrons therefore of the old, splendid, Popish, livings, still claimed a patronage in the new-settled, poor stipends for parish-ministers. The Lords, or gentlemen, who got from the crown grants of the superiorities and lands of old abbeys, claimed also the patronage of all the churches which were in the gift of those *abbeys*, during Popery. The king too claimed the old patronage of the crown, and those of any *ecclesiastic corporations* not granted away. The *Scotch bishops*, whenever they came in, claimed the patronages belonging in times of Popery to the Popish sees. But, upon the reformation, the ecclesiastic laws or acts of assembly confirmed also in parliament, required, in order to a settlement of a minister, some concurrence of the congregation, of the heritors and kirk-session, before a presbytery could regularly ordain or install the minister presented. Frequent confusions, no doubt, were occasioned by the jarring of the patrons with the presbyteries or heritors; but the final decision of all such debates in the settlement of churches, was, by act of parliament, James VI. anno 1567, committed to the general assembly.'

'Thus matters continued to the year 1649, when by act of parliament, patronages were abolished entirely, and the election or nomination of ministers

* Professor of moral Philosophy, Glasgow 1735.

was committed to the *kirk-sessions*, or elders ; who, in those days of universal sobriety, and outward appearance at least of religion among the Presbyterians, were generally the gentlemen or heritors of best condition in the parishes, who were in communion with the church. After the restoration of king Charles II. along with Episcopacy, patronages returned, yet under the old laws, and all debates were finally determinable by the *general assemblies*, which, even under Episcopacy, were the supreme ecclesiastic court. Thus they continued till the revolution, when the Presbyterian model was restored by act of parliament.

‘ The Presbyterian parliament after the revolution, *anno* 1690, act 23d, did first abrogate all laws establishing the right of patronage, and “ *casts, annuls, and make void*, that power altogether ;” committing to the *heritors and elders* in the country, and to *magistrates, town-council and elders* in boroughs, the right of electing the ministers ; and then by a subsequent act, *viz.* the 29th of the same session, vested all the superiorities and rights of the Scotch bishops in the crown. Sure they never intended to include among them that right of patronage, which by a former act was abolished altogether. There must be some other foundation for the claim of the crown, if there be any at all. The patronages of the bishops, were they to subsist at all, should more naturally have gone, with their other ecclesiastic powers, to the several presbyteries : as that right now devolves, by the neglect of any patron, to the presbytery.’

‘ Thus matters continued in a very peaceable easy manner till the year 1711 ; when the late queen’s ministry, intending to defeat the Hanover succession, took all methods to harass such as were firmly attached to it, which the Presbyterian gentry and clergy ever were, both from principle and interest. An act therefore was obtained, restoring patrons to their
power

power, though in the most direct opposition to the *articles of the union*, and the public faith of the nation then given, in that sacred treaty, upon which is founded his Majesty's title to the crown of Scotland, and the very parliament of Great Britain itself. This treaty as sacredly and solemnly secured to the church of Scotland all its rights and privileges, and all the laws, as they then were, in its favour, to continue unalterable for ever, as it secured any thing else whatsoever.*

' By this act, however, in 1711, the king is now in possession of the patronage of above 550 churches, out of 950 : having not only the old patronage of the crown, but many patronages acquired at the reformation, not yet alienated ; all the patronages of the fourteen bishops ; and all the patronages of the lords forfeited in 1715 * ; and these patronages may all be used for any such purposes as the ministers of state shall advise. Of the remaining churches not in the king's gift, there are near 200 in the patronage of some lords, who sometimes have not one foot of land in the parishes, nor any rents or interest whatsoever in them, or, at best, but some trifling feu-duty, or free teinds ; and this by virtue of some old grant to their ancestors, of the superiorities of some abbeys or convents ; or by their retaining this, among some other little superiorities over lands, which their ancestors have squandered away some ages ago. The magistrates of some few boroughs are patrons of some of their churches. But there are not 150 parishes in Scotland, where the patronage is in any gentleman of considerable estate, or natural interest in the parishes, to whom it is of any real consequence, as to himself, whether the minister be a person of sobriety, diligence, or good abilities in his office, or not.'

' The mischiefs of patronage are but beginning to appear. The patrons cannot yet successfully present
men

* The crown is also in possession of those forfeited in 1745.

men of bad morals, or make *simoniacal bargains*, tho' some attempts of this kind are talked of.—There are generally yet great struggles against presentations. But if the humour increases among the gentry of despising their own right in this matter; and if, along with their rights, those of the presbyteries, and other church judicatories, though confirmed by acts of parliament, must be given up to gratify the patrons, the presbyteries and elders, thus deserted by the gentlemen, will soon be wearied out, especially if decisions of the lords of the session run against them: then at least every presentation will pass current and take effect, without opposition; and when this happens, the natural effects of such a settlement of patronage will appear deplorable.'

' Instead of studying sobriety of manners, piety, diligence, or literature, one or other of which qualities are now necessary to recommend the candidates to the favour of heritors, elders or presbytery; the candidates sole study will be to stand right in *politics*, to make his zeal for the *ministry of state* conspicuous, or by all servile compliance with the humour of some great lord who has many churches in his gift, whether that humour be virtuous or vicious, to secure a presentation from him.'

' When a patron, or one much in favour with a patron, or with a minister of state, happens to be mercenary and covetous, there will be *bribes* and *purchases* in the case. One must expect, whenever presentations take effect without obstruction, that this will be the case ordinarily in this country, where there is so much indigence; and then the Scotch clergy will be the most despicable set of churchmen in *Christendom*.'

' 'Tis submitted to all impartial men, whether that act in 1711. was not the most direct breach of the solemn public faith in the articles of the union? and whether it can be very glorious in the ministers or friends of a Protestant prince of the *Hanover line*,

to

to retain that claim, so oppressive to the church of Scotland, which was introduced by the enemies of that illustrious family, on purpose to distress and raise dissensions in the church of Scotland, because of their steady adherence to their succession, when it was in great danger ?”

‘ As to the *importance* of those rights the gentlemen of Scotland are deprived of by that law restoring patronages : Rights are of importance, according to mens notions of life ; what affects religion, is of importance to the religious : but to all men it is of importance, to have some power to serve their friends, or the men they esteem and love. Suppose a man of fortune void of all religion, or regard to piety and virtue ; yet he must desire such power of every kind. — Would not any gentleman think himself highly injured, were he deprived of his right of voting in the meetings of the shire, about chusing the collectors of the cess, or any other civil matters ? And yet this is but one vote among 50 or 60 votes, or perhaps 90 or 100, in chusing to place of small profit. What is it then when the whole gentry of a nation, or at least ninety-nine in a hundred, lose their votes, and all influence in elections to places of greater value, in elections where each one had a vote among eighteen, or twenty votes, nay, sometimes among far fewer ? This is the case as to elections of parish-ministers. What is it to have the votes of almost all who have any natural concern in such matters struck off ; to have near two thirds of such places disposed of by a minister of state, or some favourite of his, while the best gentleman in the country are mere cyphers in this matter which so nearly concerns them ; and the remaining third part of such places in the gift of a few lords and gentlemen, who often have no estate or interest in the parishes ? The most disagreeable man, who has perhaps affronted a gentleman, may be settled under his nose as a spy upon him, by a court-interest ; or by some disaffected lord, because
of

of the gentleman's good affection to the king and his ministry. 'Tis surprizing that the gentry of Scotland are not more aware of the consequences of all this, as a civil matter, abstracted from all religious considerations.'

'As to those who have some regards for religion, they cannot be at a loss in seeing the mischiefs which must arise in a little time from the present laws. Let divines insist on arguments from scripture, and the innumerable severe canons in the early and less corrupt ages of the church: I suggest only thoughts of common prudence.'

'Can a minister of state at London know the characters of our probationers for the ministry in the church? Is it to be expected, that his dependents and favourites, in soliciting by his means for a regal presentation, will ordinarily regard conscientiously the moral characters and abilities of the candidates? Is there no danger of *secret contracts* of a very infamous nature? If a candidate is related to one who has some votes in the shire for members of parliament, or has great interest in a borough, may he not generally obtain a regal presentation from a minister of state, without any regard to merit? nay, may not men of interest in shires or boroughs make conditional sales of such presentations? 'Tis certain there may be some abuse made, some mistakes may happen upon the best schemes of church settlements: but let any man of common candour consider whether the dangers of presentation of worthless, immoral, or weak, mean men, be not incomparably greater according to the present state of patronages, than in almost any scheme which was ever devised. If ministers are to be chosen by the men of property in the several parishes, in conjunction with the elders as representatives of the people, is there any such hope of success to a vicious or despicable creature? How hardly will a number of persons some way concerned in the character of their minister, be either
unacquainted

unacquainted with it, or concur in electing an infamous candidate? Can ministers of state, or great lords living at London, or in remote parts of Scotland, have such opportunities of information, or such interest in settling agreeable diligent wise men? Can a *simoniacal bargain* be a secret which is contracted with ten or a dozen of electors? There is no comparison in these points.'

'Is it nothing to the gentlemen of Scotland to transmit, along with their lands, to their heirs a *natural hereditary influence* among their neighbours, by which they can reward any wise ingenious sober scholar, who, by faithful diligence as a tutor, has formed the minds of their heirs to knowledge and virtue? What when a worthy kinsman takes to that way of life in the church? If a gentleman's relations are unworthy or vitious, unfit for that sacred office, men of estates will not get the concurrence of other heritors and elders, or the presbytery. But when the kinsman is really worthy and pious, is it nothing to have some influence in obtaining him a comfortable support? must this whole power be confined to the king and seven or eight lords? As to the few boroughs where magistrates and council are now patrons of their own churches, or of some of them, they have their friends to take care of; country gentlemen cannot have any expectation from them. Is it the true Scotch spirit to love to be suppliants for every thing, to cringe to men in power, rather than to have a natural power of their own, a few *beneficia populi*, (*benefits of the people*) to be obtained by their favour?'

'Is it to be expected, that men of fortune, thus deprived of what was established as their right by the most solemn faith of the most solemn treaty incorporating two nations, will think themselves concerned to regard or to support the credit and influence of preachers forced upon them without their consent? And when ministers are thus neglected by men of fortune in the parish, and perhaps affronted, (as the

D

passions

passions of men in a just cause may often lead them farther than they ought) is it not to be expected that ministers will soon be despised by the populace, and lose all influence with them as to any thing of piety or virtue in their manners? I need not enlarge upon these mischiefs; they are abundantly known in some places already; and all who have any regard to religion, must think it a matter of consequence to prevent them for the future.'

'In whatever light we consider this matter, it cannot appear as a thing indifferent. Is it not of some importance to gentlemen, to have a minister capable of entertaining them agreeably in public with rational and edifying discourses? Is it nothing to gentlemen, particularly to such as reside in the country, to have a minister they could make a friend of, a man of letters and good sense, one of social virtuous dispositions of mind, who hath had the advantage of a liberal education, and not only knows books, but men and good company? Would not a gentleman also value one who understands and teaches the true principles of religion and morality to his children, his family, his tenants, and all his neighbourhood, and who does what he can by his life and doctrine to form their tempers and lives in the most effectual manner for promoting their own happiness, and being good members of society; one who is capable of giving wise advices, reconciling differences, promoting peace and love, and hath a just influence for advancing these good ends? Abstracting even from Christianity and a future state, don't these things well deserve the care and attention of any gentleman of thought and conduct? And is it not therefore of some consequence to have some influence in their parishes in the choice of a right minister? And if we suppose that gentlemen have a real regard to piety and our holy Christian religion, as, God be thanked, there are still many such in Scotland, they have still much more reason to be solicitous in this matter.'

'Tis hoped the friends of administration will seriously consider the danger to the country from the continual ferments raised by violent settlements, and the terrible evils to be feared from the patronages when they come to take effect without opposition; the corruptions of the clergy, and the neglect of religion and sobriety of manners among the people, when unrestrained by a clergy, grown despicable or hateful to them; and the advantages which would accrue to the body of the gentry from obtaining their old right again; while yet the patrons, if they are men of estates in the parishes, would still have an influence almost equal to patronage, of a more neighbourly and gainly sort. If these things be well considered, and represented to the ministry by those who stand well with them, such applications could not well want success.'

'At the quarterly meetings of the shires, are there none on the court-side, who have such regard for their country and church, as to concert proper representations or *petitions* about this matter? Must every thing popular, every motion in favour of the country, of the body of the gentry, of the church, ever take its rise among gentlemen disaffected to the administration?'

A late eminent author on this subject observes, "Wherever patronage is fully established, so that the settlement will follow upon a presentation, there the detestable sin of simony, and execrable before God †," will take place. In Scotland, after the king in 1597, got so much advantage over the church, and patronages in practice received so much more countenance and strength than formerly, it was made a grievous complaint that patrons bound their presentees by oath, to set them tacks of the tithes after their admission. But without enlarging upon this evil in former times, during the short period ‡ that

D 2

presen-

† Can. 40. of the church of England.

‡ This author wrote 1770.

presentations have been current among us, not a few instances are known where it hath been practised. Not many years ago, upon representation of the danger, the assembly found it proper to extend their laws (not necessary under their former and better models of settlement) against it. But what have laws, in any church or country, done to prevent it? They only give the unworthy an opportunity of inventing new evasions to avoid incurring the threatened censure. As the force of patronage grows, so will this mischief abound. The value of presentations in purchase hath much advanced, and very lately a patron could tell a solicitor, that his right had cost him a hundred pounds, and he expected double interest for his money, and therefore to have a deduction of ten pounds from the stipend yearly. These are not suppositions and assertions that merit little attention, The whole calls loudly for attention and redress from all who would not, by this one door (was there no more danger from patronage) set open, introduce a set of clergy among us, disgraceful, worthless, useless, without confidence towards God (how can they have it?) without courage towards man, causing the service of God and their own administrations to be despised and abhorred. Patronage, by the encouragement it gave to simony, ever had, and ever will have these direful effects. Is not this then a constitution (our enemies being judges) so hurtful and destructive, that it ought, by every allowable method, to be resisted, discouraged, and set aside, as much and as fast as possible? This one objection, were there no more, alone infinitely outweighs all that can be said in favour of patronage, or against any other model set in opposition to it.

‘ Our reformers had, with all their brethren in other countries, published to the world the confession of their faith as Christians, as they held it, in opposition to the church of Rome, from which they separated. But as it is a first principle, That no society
can

can subsist without government and discipline, they were no sooner formed into one, than Mr. Knox and others were appointed to draw up that form of discipline by which their church was to be governed. This was done at the command of the then great council of the nation, and, when finished, called *the book of policy*.*

‘As in matters of doctrine, they had laid aside the whole fabric of the Roman church, and gone directly to the true fountain of divine truth, the holy scriptures; so to the same source, they (not like the church of England, who, in order to gain the more on their people, retained so much of the Romish superstition in their government, worship, and discipline, under which their best men have groaned ever since) at once went for their policy as a church.’

‘It is undoubtedly clear, that [they put the calling of ministers in the hands of the people, chap. ii. § 2. “It appertaineth to the people, and to every single congregation, to elect their own ministers.” And chap. iv. “That it altogether be avoided, that any man be thrust in upon any congregation.”

‘While they thus gave the election to the people, a check is established with regard to the qualifications of the elected by them. For in chap. ii. § 8. It is declared, “That the admission of ministers to their offices, must consist in the consent of the people and church whereto they shall be appointed for their examination.” Of this sufficiency they were very jealous; so that though the well-qualified ministers were not, as may be easily imagined, at that time, in great abundance; yet they say*, “that neither for rarity of men, necessity of teaching, nor for any corruption of time, should unable persons be admitted to the ministry. Better to have the room vaik, than to have unqualified persons, to
“ the

* Short sum of the first book of discipline, chap. iv.

“ the slander of the ministry, and the hurt of the
 “ kirk.” And, finding the same reasons hold for a
 suitability to a particular charge, as for the general
 qualifications for the ministry, it is declared † “ That
 “ the ministers and elders (*i. e.* the presbytery) after
 “ trial shall signify to the congregation, whose gifts
 “ they found most meet and profitable for that mini-
 “ stry.”

‘ These are the sentiments which clearly run thro’
 the book of policy, and all the other public and ap-
 proved treaties of our reformation *. How they were
 led into them, is no wise difficult to trace.’

‘ Besides, as has been already said, the scriptures
 themselves, which they declared to be the rule of
 their protestant profession, to which they ever ap-
 pealed against the Papists, and which, as they
 thought, pointed out these principles; they kept close
 correspondence with their brethren of the reforma-
 tion in the south of Europe, who held the same o-
 pinions. To this may be added, that, in all things,
 a noble spirit for liberty, heightened by the sensibi-
 lity of the hated bondage of Rome they had just es-
 caped, was in full energy among them, disposing
 them to embrace the freest constitutions. Clear is
 the account of this we have from Dr. Robertson ‡,
 who, after much just praise of our reformers, says,
 “ That together with more enlarged notions of re-
 “ ligion, the reformation filled the human mind with
 “ more liberal and generous sentiments of human
 “ liberty. The genius of Popery is extremely fa-
 “ vourable to the power of princes; the implicit sub-
 “ mission to all her decrees, which is exacted by
 “ the Roman church, prepares and breaks the mind
 “ for political servitude; and the doctrines of the
 “ reformers, by overturning the established super-
 stition

† Short sum of the first book of discipline ch. ii. § 2.

* Dunlops confessions &c.

‡ History of Scotland vol. i. page 182. 8vo edit.

“stitution, weakened the firmest foundations of civil
 “tyranny. A new study at that time added greater
 “force to the spirit of liberty. Men became ac-
 “quainted with the Greek and Roman authors, who
 “described excellent models of free government,
 “far superior to the inaccurate and oppressive system
 “of the feudal law. Many of the eminent reformers
 “were themselves considerable masters of ancient
 “learning.”

‘From these considerations, it cannot be surpris-
 ing, that our reformers should form that first book
 of policy, in all respects, with so perfect a spirit of
 freedom. As Christians they knew they belonged to
 the freest society in the world, they framed a system
 of government therefore, and in particular established
 regulations concerning this essential point in it, the
 choosing church officers, in a style becoming their li-
 berty. This spirit of freedom took place, says Dr.
 Robertson †, “where its operation was not checked
 “by the power and policy of the princes in Germa-
 “ny, England, and the northern kingdoms, where
 “the ancient episcopal jurisdiction, under a few li-
 “mitations, was still continued in these churches.
 “But in Switzerland, and the low countries, the
 “nature of the government allowing full scope to the
 “genius of reformation, things took place accord-
 “ingly. The situation of the primitive church sug-
 “gested the idea and furnished the system, which
 “has since been called *Presbyterian*. Calvin, whose
 “decisions were received among the Protestants of
 “that age with incredible submission, was the pa-
 “tron and restorer of ecclesiastical policy. The
 “church of Geneva formed under his eye, and by
 “his direction, was esteemed the most perfect model
 “of this government; and Knox, who, during his
 “residence in that city, had studied and admired it,
 “warmly recommended it to the imitation of his
 “countrymen.” And hence, in particular, we have
 the

† History of Scotland vol. i. page 151.

the book of common order, and the first book of discipline, which were chiefly drawn up by him.'

' In order to inquire with greater accuracy into the principles of this church with regard to the settlement of ministers, it is necessary to proceed, by observing, that as, at the command of the council of Scotland, the first book of discipline had been drawn up; so the church, sensible that it was done in haste and that many things in it were more properly suited to the present conjuncture, than calculated for a permanent policy, so early as in 1563, (three years only after the first book was compiled,) appointed committees to revise and perfect it; which were renewed from time to time, till, after the utmost deliberation, it was finished in 1578, and then had the most solemn approbation from the general assembly.'

' As to what at present is in question, we find this variation: 'That in the first book the election was by the people, the approbation and examination by the presbytery: But in the second book, chap. 3. § 4. it is declared, "That election is the chusing out of a person maist able to the office that vaikes, by the judgment of the eldership (*i. e.* presbytery,) and consent of the congregation to whom the person or persons beis appointed." Nor is this difference immaterial: 'Tho' the approbation of both presbytery and congregation is still made necessary; yet they who by constitution have the first and proper nomination, which is here vested in the presbytery, have greatly the advantage; the people, who are last, having only a negative, which on many accounts is of less moment than the positive power of nomination, however essentially necessary "the consent, assent, and will" of the congregation is made in order to a settlement; in par. 5. of the same chapter, it being expressly declared, that no person be intruded into the offices of the kirk contrair to the "will" of the congregation, to whom they are appointit, no more than without the "voice" of the eldership, *i. e.* the presbytery.'

' It

‘ It is fit, then, to inquire into the probable reasons of this alteration. The truth seems to be, that in the very earliest ages of the church, election did belong to the people; but when the distinction began, by raising one of the elders of a church to superior authority, under the title of *bishop*, the remaining church-officers became a distinct body; and, at first, along with the congregation, made choice of the bishop; but in after periods, as distinct, usurped the name of the *clergy*, which, as signifying the heritage of God, belonged to the whole church; and then, according to the encroaching nature of power in whatever hands, they by degrees assumed the right of making the election themselves; only proposing their bishop elect to the people for their approbation. In modern times, the advocates for the power of the clergy, grafting upon expressions in some of the fathers, favouring this claim and practice, became inclined to give the election to them.’

‘ But however this may be, it is certain, that, even among the reformed, here are patrons both of the people and of the clergy in this argument. Our first reformers were clearly for the people being the electors; those who framed the second book of discipline, seem inclined to favour the clergy.’

‘ It hath been already observed, that our reformers kept up a close correspondence with their brethren abroad, particularly with those of Geneva, France, Switzerland, &c; and were ready to adopt their ideas. Now, we find this very model of electing ministers established among them.’

‘ Thus, in the discipline of the reformed church of France, after a description of the trials of their “proposants” before the colloquy or Synod, it is added †, “ He shall be fully and solemnly ordained in that church, to which he is sent; and the said church

E

shall

† See L’ Aroques’s conformity of the ecclesiastical discipline of the church of France, with primitive antiquity, art. p. 166,

“ shall be informed of his election by the act or let-
 “ ters of that Synod or colloquy, which shall
 “ be declared and read unto them, by a pastor or
 “ elder.” *Can. sixth.* “ He whose election shall
 “ be declared unto the church, shall preach publicly
 “ the word of God, on three several sabbaths, (but
 “ without power of administering the holy sacraments,
 “ or of solemnizing marriages,) in the audience of
 “ the whole congregation, that so they may know
 “ his manner of teaching; and the said auditory
 “ shall be expressly charged, that if any one of them
 “ do know any impediment, for which his ordinati-
 “ on, who shall be then mentioned by his name,
 “ may not be completed, or why he may not be ac-
 “ cepted, that they do then come, and give notice
 “ of it, unto the consistory, which shall patiently
 “ hear the reasons of both parties, that so they may
 “ proceed to judgment. The people’s silence shall
 “ be taken for a full consent, but in case contention
 “ should arise, and the forenamed elect be pleasing
 “ to the consistory, but not unto the people, or to
 “ the major part of them, his reception shall be de-
 “ ferred, and the whole shall be remitted unto the
 “ colloquy or provincial synod, which shall take
 “ cognizance, both of the justification of the fore-
 “ named elect minister, and of his reception. And
 “ although the said elect should be then and there
 “ justified, yet shall he not be given as pastor unto
 “ that people against their will, nor to the discon-
 “ tentment of the greatest part of them; nor shall
 “ the pastor be imposed against his will upon that
 “ church.”

‘ So far also this constitution nearly obtains in Ge-
 neva to this day, that, upon a vacancy, the classes
 there, after a solemn oath taken to be impartial,
 make the election, then present their elect to the ma-
 gistrates for approbation, which being obtained, he is
 next proposed to the people for theirs.’

‘ Our first reformers, it hath been shewn, were
 certainly

certainly "for popular calls, under the controul of
 "learned men, upon their choice, in point of li-
 "terature, and qualifications of their candidates for
 "the particular charges to which they were elect-
 "ed."

'And is this, indeed, so absurd a scheme, as in
 these days, it is held out to be? How apt is it to raise
 one's indignation, to hear such contempt pour-
 ed upon it by many, who for concern in religion,
 judgment or learning, are not worthy to carry the
 books of the great men who formed it? They search-
 ed the scriptures, and averred they favoured it. They
 studied antiquity, and found, in many of the first a-
 ges of christianity, no other model for electing church
 officers; and that, under it, the churches increased,
 prospered, and were in peace. They carefully look-
 ed into the noblest plans of liberal and free civil go-
 vernments in the ancient world, and observed them
 flourishing under such institutions.'

'The church of Scotland from the beginning, was
 free; and had liberty of forming her own discipline
 and rules established by law. In admission to the mi-
 nistry, under various administrations, she hath de-
 fined what she intended by a call. The question is
 put by her appointment, and to be understood in her
 sense. This is our constitution; nor can even an
 assembly find a call in the *churches* declared sense,
 in opposition to its existence. With what good con-
 science, then, can this question be either asked or
 answered, when there is not a shadow of one in the
 church's meaning of it? Even clergymen, too much
 celebrated in the world for finding salvos and desinc-
 tions, in very solemn subscriptions and declarations,
 will not easily persuade men here, that this scene
 can be transacted with integrity. Common sense
 revolts against it. To say, as hath been done, that
 a presentation is the legal call, (let it be supposed so
 for arguments sake,) if this were true, would it not
 be fair so to express it? But the fact is, the law gives

no such name to a presentation, nor appoints any such question to be asked at a presentee; on the contrary, it hath committed the right of admission and all its rites to presbyteries, and the church to form her own rules for conducting them: she accordingly always did so, unquarreled by any law of patronage. Among these this is a capital one, that a man admitted should have a call; and this necessary question is formed upon it. And to have no call, that in any sense can be so named, and yet in the presence of God to say, I accept of it! what *noli episcopari* (*unwilling to be made a bishop*) was ever more ridiculous or criminal? *Offences must come*, says our Lord.—They often proceed from quarters least to be wished for. With what indignation have we, and thousands of serious Christians in England, looked upon the profanation of our Lord's supper, by the test-laws making the partaking of it a necessary term for enjoying a civil office? But how does the prostitution differ, if another of his appointments, gone about by prayer and the laying on of hands, is made necessary—to what? To give a legal title to temporal emoluments, without people to minister to. Let who pleases tell. And is it come to this, that, notwithstanding all the liberty and independence of our church-constitution, its spirituality should be so sunk into, and in too many instances swallowed up in the temporalities which the state hath connected with it? Men may palliate and brave it as they please, but this is, and must, while transacted under solemnities highly expressive of other principles, be offensive.*

* By these measures too we effectually prevent every hope of procuring relief from this bondage, or any further mitigation of it. The yearly instruction to the commission to embrace every favourable opportunity to obtain such relief is not as yet formally struck out: but the continuing to take every opportunity of screwing up the oppression of patronage ourselves,*

most

* Till the Act, 1781 has brought it to its highest pitch.

most effectually secures its perpetuity. With what countenance could relief be asked from a law of which we ourselves seem so fond, as not only in practice to carry to the utmost, but to stretch it in execution even beyond both its letter and intention? Yet it is acknowledged by our enemies, "That no man of candour can possibly deny, that there are grievances attending settlements by presentations." If they are in earnest in this, why do they not tell us what these are, and why not use the liberty the law hath given to avoid them? Or if, in their judgment, the law, as it stands, permits it not, why at least not carry it as far as it will go, and, with the spirit of Britons, pursue measures proper for obtaining a deliverance from what themselves acknowledge to be evil? It would gratify others much to be informed what they think grievous in these settlements. Nor should aid be withheld from helping forward a deliverance from it. Yet this is a satisfaction they are sorry to say, was never indulged them. But, in matters of right and power, who gains any thing by mean submission? It is the resolute and undaunted who prevail, while the tame under oppression invite to higher degrees of it.

' If any upon such resolute conduct, should use the old objection of fear of the government's being provoked to deal more harshly with us, and make the grievance heavier; it is answered, That the insinuation is very disrespectful and injurious to our good government, as if by it oppression would be used towards the church for employing the powers vested in her by law, and for the very end for which they were committed to her, the maintaining peace and edification of the church, and preventing endless separations. It is asserting the government will pay no attention to any object in this matter; but to the power of patrons; that they have no respect to an established constitution, nor to the usefulness of an established ministry, the peace of a country, or to the advance-

advancement of the interests of religion : but that neglecting all these, as unworthy of regard, they will alter irrevocable laws, and reach forth the iron rod of dominion to harass and oppress their best friends. How would it be taken, if civil courts were so talked to, while keeping within the law prescribed to them, in the exercise of the *nobile officium* (*noble duty*) intrusted with them, though to the displeasure of interested men ? Where is the society, or indeed single person, to whom it is imputed as a crime, that they stand upon their legal rights, even against government itself ? Are they not rather applauded for acting up to the spirit of British subjects, in standing firm, and resisting administration, when attempting to encroach upon their privileges ? Has not this made Hampden and his brave associates illustrious for stemming the tide of encroaching power, and saving their country ? And should not we too, in asserting our rights, hope for praise, instead of standing in awe of censure ? the rather that the only intention of such conduct must appear to be a real obtemperating the law in its true spirit, that is, to prevent dissention. This is expressly given in the preamble of the act 10mo Anna, as the reason of restoring patronage. It says, " That the act 1690 had proved inconvenient, and occasioned great heats and animosities among those that were thereby intrusted with the power of calling ministers ; so that, after the experience of many years, the legislature found patronage to be the only system that could preserve peace and order in the settlement of vacant churches." We are not now to be taught who were the authors of this injurious, but specious representation, in order to rescind the act in 1690. But let the fact stand as set forth in the act. It is clear by it, that divisions are very disagreeable to the legislature, which they are very studious to prevent. For this end patronage is adopted. But hath the trial of this expedient for many years shewn, that it is in this country adapted

to

to answer the purpose which the legislature was so anxious to promote? Hath not experience too authentically assured us, that the more rigidly the flattering remedy for quiet is exercised, the more heats, animosities, and separations become the certain and unhappy consequences? Can we better answer the declared purpose of the law, than by employing that moderating power it hath intrusted us with, to decline settling in disagreeable cases, and thereby lead patrons to the exercise of their power in a way more favourable to the purposes of edification and peace?

‘ Nay more, as we have said, that such conduct would not, we may justly carry it further, and insist that it could not any way endanger us with the government; and for this strong reason, that we have our present constitution and our privileges unalterably secured to us. It is true, our enemies assert in opposition to this, and in express reference to our union settlement, “That no human laws are incapable of being repealed by the legislature.” These are Britons indeed! These are Scotch Presbyterians! And will they take upon them to say, that even king and parliament can unhinge *Magna Charta*, or the bill and claim of rights? Shall we ascribe this horrid position to ignorance or oversight? Or, dangerous and mysterious as it is, (hardly indeed mysterious) to worse intentions? And have we then no *unalterable constitution*? What is legal, we know, is subject to alteration every year, as the legislature sees expedient and for utility; but not so our original and fundamental constitution. Upon this the legislature itself is founded, and according to it can only act. And if there is one point above all others unalterable in the British constitution, it is the Presbyterial church of Scotland, *declared in terminis, (to the end)* to be so, and necessarily sworn to be maintained by our princes, upon their entering upon government. Before any infringement can be made upon this, and our privileges contained in it, both the British parliament

liament and union must be dissolved. Before these were formed and constituted, each kingdom in their several parliaments provided for the preservation of their respective churches, and the act of each was agreed to be taken as a fundamental condition of the future union. And accordingly the said acts were ratified, approved and confirmed, to be and continue in all time coming unalterable. The powers that made this treaty, the parliaments of Scotland and England, have no longer an existence; and therefore what they separately established as the foundation of it, must remain inviolable; and can only be undone by the restoration of these powers, as they existed before it had a being. Let it no more surprise, that any who could thus raze immoveable foundations, are advocates for high patronage, or any other species of hardship and oppression.

‘ Who knows not, that these ways of violence are very unfavourable to the dignity and consequence of our church-courts themselves in the eyes of the great body of the nation? Nor is there any one thing more fatal to the prosperity of any society, than the loss of confidence in its members towards its governors. This need not be enlarged upon. Experience and an hundred reasons confirm it.’

‘ Neither, though it seems to please, does our conduct increase our importance with these very patrons, to whose arbitrary nominations we so obsequiously bow, and which we so zealously promote. Did the necessity of law oblige to a compliance, an apology, such as it might be, would be admissible. But what sacrifices of liberty, dignity and the interests of religion, without that necessity, have not been made to serve them? Yet never were ministers nor ecclesiastical courts treated with less ceremony and respect by these very patrons, than they are at this very time. It must have so happened. The event is not new. History vouches for it, that it ever was so in similar circumstances. The Roman senate yielded up their
power

power to Cæsar, and Cæsar could not conceal the mean opinion he had of them ever after. So will every Cæsar, great or little, treat the minions, who tamely crouch to them. Maintaining just privileges, were we to act upon no higher motives, nor for nobler ends, is the true way to preserve respect.'

'In what point of light is the prospect amiable, as every valuable thing among us is affected by this unhappy partiality to rigid patronage? A spirit of dissatisfaction, jealousy, and a disposition to revolt from the establishment, grows every day; and the evil spreads to places least suspected of the infection. The means proposed by the supporters of this system, instead of curing, but inflame the distemper. Not to insist upon the temporal interests of the nation that are thereby subjected to loss, and which some gentlemen of the laity are very sensible of, worse consequences are likely to follow upon it.'

'Our ecclesiastical constitution at the reformation breathed liberty through its whole frame, was thereby supported under continual struggle and oppression; in particular bore up under most unfriendly patronage.—After seeming annihilation, greatly by its hostile power, it revived again to vigorous life in 1638, and onward; and though again worsted by the fraud and force of its antient foes, yet afterwards, through its unconquerable spirit, had a glorious resurrection at the revolution; was once more checked by the old enmity, but yet exists under the same circumstances in which it formerly bore up under many attacks, and survived them all.'

'It is a constitution worth contending for, because it is free;—because its object is religion, in itself of all things most valuable, and only suits with liberty;—because it hath been struggled for by the best of men for ages, who spared not all they had on earth, nor life itself, to purchase and secure it.—The alternative is despotism: and now is the critical time.—The danger is the more, that it ariseth from our-

selves, and the intention is avowed.—Let none say, the question is about an outwork.—It is an out-work indeed, but an out-work that opens the way to all ; —and, if overcome, will infallibly subdue all ; —our adversaries know it well ; and the true lovers of our good old constitution, are more than blind if they perceive it not ; or if perceiving it, they act not with a spirit becoming the danger.’

‘ It is no secret, that church-reformations have seldom taken their rise, or been much promoted by clergymen. To the laity, almost in every instance, hath the world been indebted for them. All history assures us of this interesting fact ; and lately have we been well instructed upon it by Dr. Robertson *, who, at the period of the reformation, most justly observes, “ That the reformers applied to a convocation of the Popish clergy, but with the same ill success, which hath always attended every proposal for reformation, addressed to that order of men. —The corruptions of a society, recommended by utility, justified by universal practice, are viewed by its members without shame or horror ; —and reformation never proceeds from themselves, but it is always forced upon them, by some foreign hand. Suitable to this unfeeling and inflexible spirit, was the behaviour of this convocation in the present conjuncture ; all the demands of the Protestants were rejected with contempt.” Not more true is this observation upon the Romish clergy in their days of power, than it is now with respect to our present ecclesiastical rulers, in their treatment of every complaint under the pressure of patronage.’

‘ Not from them, therefore, but from the laity, is this happiness to be looked for.’

‘ The affair is grave and weighty, and the season critical. Too applicable to our present situation is the acute observation of a celebrated politician †, “ That

* History of Scotland, vol. I. p. 167. 8vo edit.

† Lord Bolingbroke’s idea of a patriot king, p. 120 & 34.

" That the best instituted governments, like the best-
 " constituted animal bodies, carry in them the seeds
 " of their own corruption ; every hour they live, is
 " an hour they have less to live. All that can be
 " done therefore to prolong the duration of a good
 " government, is to draw it back, on every favour-
 " able occasion, to the first good principles on which
 " it was founded. This may be done in a certain
 " time ; but when these principles are worn out of
 " the minds of men, it is a vain enterprise to renew
 " them. In the course of a long administration, the
 " descent to degeneracy is insensible, and there is no
 " reascending without vigorous efforts. These eve-
 " ry consideration, our country, liberty, and religion
 " call for, that no endeavours of ours be wanting to
 " repair the breach that is made, and is increasing
 " daily in our constitution. Let it be our honour
 " then, and that of the new generation springing up,
 " that our happy [church] establishment do not de-
 " generate into [ecclesiastical] despotism, and its corre-
 " late, slavery, with the appearance of being free,
 " It is a difficult, it is a noble attempt ; worthy for
 " which the greatest talents should be exerted, and
 " pursued with courage.'

To conclude ; shall we sit still in our present state
 of slavery, without using any means to regain our
 freedom ? Are we not Britons ? Is not liberty our
 birthright ? Shall it be said of Britons, Is it possible,
 it shall ever be said of *North-Britons*, that they are
 slaves † ? We have now been groaning for these se-
 venty years under the yoke of patronage, which has
 been more galling to our necks, than the Babylonish
 captivity was to the Jews. Let us for once be roused
 from our insensibility, and claim what justly belongs
 to us ; by humble petitions to the king and parlia-
 ment, to rescind that unjust act made to restore pa-
 tronage by queen Ann's parliament 1711.

What other method is so eligible as this, for bring-

F 2

ing

† See title page

ing us deliverance from this yoke of bondage ? Shall we dream that Patrons on the one hand, will voluntarily give up patronage, while we are not asking it of them ! Or shall we look to our clergy, on the other hand, for help ? This would be equally vain ; since by presentations vast numbers of them have come to a piece of bread, they are patrons most obsequious servants, whom they are bound to obey ; and through ignorance of their duty (if not worse) as ministers of the gospel, and guardians of our laws and liberties, the majority of them are our most determined foes. Notwithstanding, let the *Heritors, Elders*, and people in Scotland join unanimously in petitioning the Legislature to remove this grievance from us : If so, there is every reason to believe it shall for ever be swept away.—Did our fathers petition king Char. I.† on this head, and were heard, tho' he was an enemy to our church ; and shall we not hope to be heard, and our petition granted by our most gracious sovereign, to his most loyal subjects ! None who have a regard to religion, who wish well to their country, and are loyal subjects to the Hanover succession, will hesitate a moment in this matter. We have law, equity and truth on our side ; the cause of truth is the cause of God, therefore it will, it must prevail. Are the *Heritors, Elders* and people of Scotland such an inconsiderable body, that they will not deserve the notice of the Legislature of Great Britain ? Impossible.

If patronage has not done mischief enough already in Scotland, in having driven fifteen hundred thousand people from the communion of our church ‡, (which has a direct tendency to alienate their minds from government,) let the world judge !

Perhaps

† In 1642, sess. 7. Aug. 3d our fathers obtained a mitigation of patronage by the king's determination to confine the candidates to a list of six to be sent him upon every vacancy, which after the highest precaution, was to be formed by the Presbytery of the bounds, with consent of the most or best part of the congregation.

‡ See the rev. Mr. Walker's speech in last General Assembly

Perhaps many thousands of these people, who are valuable members of society, and friends to religion, will think they are not concerned in this matter, as they have been driven from the communion of our church, and having given her over for lost, will not sign our petition : But they should reflect for a moment, That if we obtain our end by petitioning, (which there is every reason to believe we shall) they will return into the bosom of our church, consequently the overthrow of patronage, will not only be a blessing to us, but also a blessing to them : and if we shall not obtain what we so justly claim and plead for, thousands, and tens of thousands, it is hoped, will imitate their example, in separating from our church ; which, in this matter, is more corrupt (and would to God this was her only corruption) than even the church of Rome itself ! For the alone king and head of his church has declared, “ Verily, verily “ I say unto you, He that entereth not by the door “ into the sheepfold, but climbeth up some other way “ the same is a thief and a robber: But he that entereth in by the door is the shepherd of the sheep. “ To him the porter openeth ; and the sheep hear “ his voice ; and he calleth his own sheep by name, “ and leadeth them out. And when he putteth forth “ his own sheep, he goeth before them, and the “ sheep follow him ; for they know his voice. And “ a stranger will they not follow, but will flee from “ him : for they know not the voice of strangers §.”

But as Christians of all denominations, joined so heartily of late, in opposing the popish Bill in this country ; we have reason to hope, they will be unanimous in this matter also ; there is the same cause for it ; Patronage being as mischievous in its nature as Popery ; and if persisted in, will as effectually cover our land with gross darkness, with regard to real religion, as if Popery were tolerated among us ; For
where

where is the difference between worshipping idols and trusting to works of supererogation, and having our own good works proposed as a foundation of our acceptance with God? If we repent and believe, love God and keep his commandments, all of which we may perform at any time, in our own strength; then we may look for favour from God, and that he will love us in return; is the doctrine taught, by the generality of our Patronage—heroes in Scotland. And thus the gospel plan of salvation is quite overturned; and poor ignorant people led blindfold to destruction.—How applicable in our day, is the lamentation of God over his ancient people, “O my people, they which lead thee cause thee to err, and destroy the way of thy paths †.” and again, “My people are destroyed for lack of knowledge ‡.”

Among ourselves, some, Gallic-like, no doubt, will care for none of these things; such have reason to fear, that the threatening so long ago executed on the church of Laodicea, be also executed on them, “I know thy works, that thou art neither cold nor hot: I would that thou wert cold or hot. So then because thou art luke warm, and neither cold nor hot, I will spue thee out of my mouth.” || ‘If, to my great dissatisfaction, you continue thus formally professing my name and truth, and disgracing it by your careless indifference, and want of hearty affection to, and zeal for it, I will, with abhorrence, unchurch and destroy you.” Sanballats and Tobiahs may rise up against us; who will be grieved exceedingly, that we should seek the welfare of this country; who may laugh us to scorn; despise us; be very wroth against us; conspire together to hinder us; and may think to do us mischief; telling us what this and the other Gashmu saith concerning us, that we are rebelling against the King, &c. But let us, by fervent prayer, call upon our God, the God

† Isa. iii. 12.

‡ Hos. iv. 6.

|| Rev. iii. 15. 16.

God of heaven; that he would prosper us; and turn their reproach upon their own heads; that he would strengthen our hands; and think upon our enemies according to their works; that they may be cast down in their own eyes; and perceive that this work is wrought of our God †.

‘ What strong faith in God, zeal for his glory, bold courage, and prudent discretion, are necessary in attempting any noted work for the Lord and his church. They who have almighty power engaged for them, may look up to God, and be comforted. He will uphold them, and the more their enemies rage, the more shall JEHOVAH’s strength be perfected in our weakness. Even his enemies shall, to their grief, see that he cares for his people; and that, when he works, none can hinder it. However great the opposition, and weak the instruments, he can speedily effect it.’

‘ It is hoped, however, that the number of those, who may be indifferent about patronage in Scotland, or who may use means to oppose us, in seeking its overthrow, which is a matter of the utmost importance to us; will bear but a small proportion to the friends of religion, their king and country; who will most cheerfully join in *petitioning* the Legislature, to take that yoke off our necks, which neither we nor our fathers were able to bear; in *which*, if we would wish for success, we must proceed in a legal manner, without tumults, or mobs: yet, with that determined firmness, to obtain our end, which justice inspires. I am with the utmost respect,

GENTLEMEN,

Your most obedient, humble Servant,

A PRESBYTERIAN,

JULY, 1781.

†, Nehemiah chap. ii, iv. and vi.



